

From: [Tanner, Lori](#)
To: (b)(6)
Cc: [Nystrom, Thomas](#)
Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Exemption Opinion - SWF-2022-00119
Date: Thursday, November 17, 2022 8:25:20 AM

Hi (b)(6)! Yes I can provide that and can get it back to you by Dec 21, does that work?

Loribeth Tanner

ECD-WR
(214) 665-8153

From: (b)(6) @usace.army.mil>
Sent: Thursday, November 17, 2022 8:11 AM
To: Tanner, Lori <tanner.lori@epa.gov>
Cc: Nystrom, Thomas <Nystrom.Thomas@epa.gov>
Subject: Exemption Opinion - SWF-2022-00119

Good morning Loribeth,

During our last quarterly meeting we discussed USACE Project Number SWF-2022-00119 (Trinidad Cutoff) and that it was the belief of the landowner and his agent that the work conducted was not prohibited by 404 of the CWA, either because the action was pure excavation (their opinion), or that the excavation and fill activities possibly met one or more of the exemptions located at 33 CFR 323.4 (Discharges not requiring permits). I would like to request EPA provide an exemption opinion based on the work conducted. The agents submittal is attached for your review. If at all possible, could you please provide EPA's opinion within 30 days? I understand with the holidays arriving that may not be possible, and if so, please let me know.

Thank you and I look forward to hearing from you,

(b)(6)

, Regulatory Division

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